

# **EXHIBIT**

# **S**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN)  ECF Case
This document relates to:  <i>Thomas Burnett, Sr., et al. v. The Islamic Republic of Iran, et al.</i>	15-cv-9903 (GBD) (SN)  ECF Case

**DECLARATION OF ERASMO FERNANDEZ**

I, Erasmo Fernandez, pursuant to 28 U.S.C. § 1746, do hereby declare under penalty of perjury as follows:

1. I am more than 18 years of age and competent to testify in court to the matters stated below. The statements made in this Declaration are based on my personal knowledge unless otherwise indicated.

2. I was a citizen of the United States on September 11, 2001, and remain so today. Attached as Exhibit A to this Declaration is a true and correct copy of my Certificate of Naturalization dated October 17, 1989.

3. On September 11, 2001, I was present in Tower One of the World Trade Center in New York City when the terrorist attacks occurred.

4. At the time of the September 11, 2001, terrorist attacks at the World Trade Center, I was working for American Building Maintenance (ABM) on the 78<sup>th</sup> Floor of Tower One (North Tower), and performing elevator maintenance at the time the first plane hit the tower. I remember a big explosion which seemed to come from above where I was working and the building began

to shake and sway. I, and those around me on the 78<sup>th</sup> Floor, ran to the closest stairwell and began running down the stairs. While running down the stairwell, I fell on the stairs and injured my back and neck. I was still in the stairwell of Tower One when the second plane hit Tower Two (South Tower). However, I did not realize while we were in the stairwell of Tower One that the South Tower had been hit and that it had collapsed until after I was able to escape Tower One. When all of us in the stairwell got to the bottom floor in Tower One, we were not able to get out of the stairwell as the door was locked. We began pushing and kicking on all the doors to try to find a way out and eventually, we found a door in the back of Tower One that we could open to escape the building. As we came out of Tower One, there was a lot of dust and debris in the air and on the ground and I saw burned people and dead people all around me. I still live with these visions every day. Other than what was immediately in front of me, I couldn't see anything due to all the dust and debris in the air, but all of us started running. My first priority was my wife, Jenny, who worked in the concourse area of Tower Two at 250 Broadway for New York City Housing and I immediately started looking for her as I didn't know exactly where she might be, but I knew where her bus stop was and that she would have to go from the bus stop to get to the concourse in Tower Two. I did not find my wife at the World Trade Center that day, but I was able to find her about 10:00 o'clock p.m. that night at a friend's house who lived in Manhattan. I did go to a nearby hospital located near the Brooklyn Bridge the next day, September 12, 2001, for the injuries to my neck and back that I incurred when I fell while running down the stairwell of Tower One, as well as my ears which were hurting due to the explosion from the impact of the first plane crashing into Tower One.

5. I was in New York City at Ground Zero when the planes hit the towers and I received physical injuries in the escape and collapse. In the course of the attack and my escape, I witnessed

atrocities beyond the imagination of the average citizen. The situation could only be compared to a war zone. I was going about my everyday life in a peaceful manner when we were brutally attacked by terrorists and my life was altered forever.

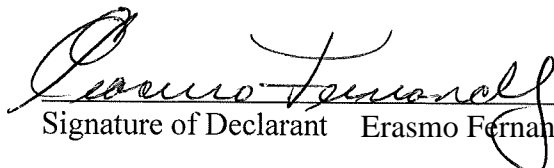
6. Because of these terrorist attacks, I suffered the following specific injuries on September 11, 2001: neck and back injuries from falling on the stairs during my escape while running down the stairwell of Tower One, as well as deafness in my left ear from the explosion resulting from the impact of the passenger jet into Tower One. Further, since the September 11, 2001, terrorist attacks, I have developed other specific medical conditions that are directly related to these terrorist attacks, including GERD/severe acid reflux, chronic bronchitis in my lungs from the dust and debris that I inhaled, and a sleeping disorder.

7. I suffered and continue to suffer severe emotional distress/PTSD because of the terrorist attacks. I suffered and continue to suffer from anxiety, bouts of depression and a sleeping disorder due to the traumatic events that I experienced and the images of the dead and dying that will stay with me forever. I also continue to receive treatment for my severe emotional distress. It has been eighteen (18) years since the attacks and I still have nightmares as I have to live with these visions every day.

8. I sought medical attention for my injuries. Attached as Exhibit B to this Declaration is a true and correct copy of my select relevant medical and psychiatric records related to the treatment that I have received following the September 11, 2001 terrorist attacks.

I declare UNDER PENALTY OF PERJURY that the foregoing is true and correct.

EXECUTED on this 16 day of January, 2020.

  
Signature of Declarant Erasmo Fernandez

**EXHIBITS  
FILED  
UNDER SEAL  
(ECF No.  
5716)**